

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Second Judicial District Court, County of Silver Bow

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-16-106
	)	
	)	D E C I S I O N
TIMOTHY BRUCE ERDLEY,	)	
	)	
Defendant.	)	

On October 11, 2018, Defendant's suspended sentence for Count I: Criminal Possession of Dangerous Drugs was revoked. He was sentenced to the Montana State Prison for three (3) years. Defendant was given credit for 39 days of time served.

On February 21, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by video conferencing from Crossroads Corrections Center and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 21<sup>st</sup> day of February, 2019.

DATED this 20<sup>th</sup> day of March, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



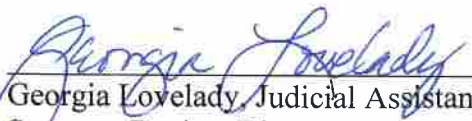
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 26<sup>th</sup> day  
of March, 2019, to:

Clerk of District Court (Original)  
Timothy Bruce Erdley #2135164, Defendant (2)  
Hon. Kurt Krueger  
Brent Getty, Defense Counsel  
Kelli Johnson Fivey, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division